

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 18, 1998

DIVISION TWO

B113107 Shokrian (Not for Publication)
v.
Houchim

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

[illegible]

The conviction of petty theft under Penal Code section 666 is reversed. In all other respects the judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

[illegible]

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B106500 No. Hollywood Project Area Committee (Certified for Publication)
 v.
 City of Los Angeles, et al.

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B112293 Sorenson v. Sorenson
B107274 People v. Bontty
B110673 People v. William D.
B111968 People v. Roberto G.
B111881 County of L.A. v. Joseph T.
B109761 Withers v. Goedde
B115270 Dept. of Children & Family Services v. Joseph B.
B107285 People v. Varado, et al.
B111897 People v. Travis S.

Argument waived, cause submitted.

B113598 Hock
 v.
 Williams Instrument Co., Inc.

Merits:

Argued by Jefferson W. Gross for appellant and by John E. Hope for respondent. Cause submitted.

DIVISION THREE (Continued)

B110515 People
 v.
 Delacruz

Merits:

Argued by Allen Weinberg for appellant and by Herbert S. Teter, deputy attorney general for respondent. Cause submitted.

B108120 Vilchez
 v.
 Housing Authority of the City of Los Angeles

Merits:

Argued by Anthony Telleria for appellant and by Elizabeth L. Crooke for respondent. Cause submitted.

B106732 People
 v.
 Baker

Merits:

Argued by Dennis A. Fischer for appellant and by Theresa A. Cochrane, deputy attorney general for respondent. Cause submitted.

B108185 L & K Marketing
 v.
 Eyecare Service Plan, Inc.

Merits:

Argued by Paul M. Hittelman for appellant and by Philip W. Bartenetti for respondent. Cause submitted.

DIVISION THREE (Continued)

B098862 Clemmons
 v.
 T.D. Service Co., et al.

Merits:
Argued by Wanda Clemmons, in propria persona and by Lawrence J. Dreyfuss and Ronald W. Ito for respondents. Cause submitted.

B099319 Carter, et al.
 v.
 Commercial Bankers Life Ins. Co., et al.

Merits:
Argued by Charlotte E. Costan for appellant and by Jordan N. Gray and Richard J. Papst for respondents. Cause submitted.

B109192 Schwartz
 v.
 Rashedi, et al.

Merits:
Argued by Robert J. Stoll, Jr. for appellant and by Roy G. Weatherup for respondent. Cause submitted.

B110194 Levenson
 v.
 Massachusetts Mutual Life Ins. Co.

Merits:
Argued by Brian J. Leinbach for appellant and by Catherine H. Ruddy for respondent. Cause submitted.

Court recessed at 12:05 P.M.

The Court reconvened at 1:30 P.M.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

B114557 Howe
 v.
 Regent Villa

Merits:
Argued by John L. Dodd for appellant and by Rebecca L. Smith for
respondent. Cause submitted.

Court adjourned at 1:50 P.M.

B117170 Ceylon R. (Not for Publication)
 v.
 Superior Court of Los Angeles County
 Los Angeles County Dept. of Children & Family Services

The Court:

The petition is denied.

Klein, P.J., Kitching, J., Aldrich, J.

B117099 Carmen Garcia Y. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Dept. of Children & Family Services, r.p.i.)

The Court:

The petition is denied.

Klein, P.J., Croskey, J., Kitching, J.

February 18, 1998-Continued

DIVISION THREE (Continued)

B103542 People (Not for Publication)
v.
Sims

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B117093 Hortencia T. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Dept. of Children & Family Services, r.p.i.)

The Court:

The petition is denied.

Klein, P.J., Croskey, J., Aldrich, J.

B105610 People (Not for Publication)
v.
Danny Li Chi Lee

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B104493 Po Chun Lau (Not for Publication)
 v.
 Yan Oi

The order appealed from is affirmed. Costs on appeal to wife.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B096476 Stanley Christopher (Not for Publication)
 v.
 FSR Brokerage, dba Fred Sands Realtors, et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B098684 Peter Kennedy, et al. (Not for Publication)
c/w v.
B106520 Wilshire Oncology Medical Group, Inc. et al.

The judgment and post-trial orders are affirmed. Plaintiffs are awarded their costs on appeal; defendants are awarded their costs on the cross-appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B114517 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Hudie H.

The Court:

The appeal is dismissed.

Klein, P.J., Croskey, J., Aldrich, J.

DIVISION FOUR

B101881 Murkey (Not for Publication)
 v.
 Demler, Armstrong & Rowland, et al.

The judgment is affirmed. Sanctions of \$4,543 are awarded in favor of respondent DAR and imposed against appellant and his counsel of record jointly and severally. Costs on appeal are awarded to all respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Baron, J.

B104870 People (Not for Publication)
 v.
 Harris

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

February 18, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Baron, J.

DIVISION FIVE

B109973 People (Not for Publication)
v.
Paul Andre Grinker

The judgment is modified by striking the 38 prior Hawaii kidnapping convictions as serious felonies within the meaning of section 1170.12, leaving 43 prior serious first degree armed robbery convictions. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B109984 Law Offices of Ian Herzog, et al. (Certified for Publication)
v.
Law Offices of Joseph M. Fredrics, et al.

The order confirming the arbitration award for Herzog and the judgment entered upon that order are affirmed. Respondents, Herzog and The Law Offices of Ian Herzog, to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B113924 Law Offices of Ian Herzog, et al. (Not for Publication)

v.

Law Offices of Joseph M. Fredrics, et al.

The orders denying Herzog's application for sale and for assignment of rents, and awarding sanctions to Sheila, are affirmed. The order denying Herzog's motion for costs is reversed and remanded for further proceedings consistent with our opinion. Respondents Joseph M. Fredrics and Sheila Fredrics to recover their costs on appeal. Sheila Fredrics's request for appellate sanctions is denied.

Godoy Perez, J.

I concur: Grignon, J.

I dissent: Turner, P.J. (with opinion)

B107110 People (Not for Publication)

v.

Gary Zabounian

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B105069 People (Not for Publication)

v.

Marcus Betton

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Grignon, Acting P.J.

Armstrong, J.

February 18, 1998-Continued

DIVISION FIVE (Continued)

B115199 Constance K. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied on the merits.

Turner, P.J.

I concur: Jackson, J. (Assigned)
I dissent: Armstrong, J. (Opinion)

DIVISION SIX

B111715 Michaelis et al. (Certified for Publication)
v.
Benavides

The judgment is reversed. Costs are awarded to appellants.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B109860 Hamilton et al. (Not for Publication)
v.
Gordon et al.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

February 18, 1998-Continued

DIVISION SIX (Continued)

B113817 People (Not for Publication)
v.
Maurice L. A.

The order sustaining the petition is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B111241 People (Not for Publication)
v.
Thornburgh

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B109648 Nat'l Union Fire Insurance (Not for Publication)
v.
Marino

The order is reversed. Respondent shall bear costs on appeal.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B103251 Woodward (Not for Publication)

v.

Kaiser Permanente Med. Ctr.

The judgment (order granting summary judgment) is reversed. Appellant is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B112443 Employment Development (Not for Publication)

v.

Silvaggio

The judgment (order) is reversed and remanded for further proceedings. Costs on appeal are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B111642 Sanchez (Not for Publication)

v.

S.B. School District

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

February 18, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B112112 People (Not for Publication)
v.
Tynes

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

February 18, 1998-Continued

DIVISION SEVEN (Continued)

B110704 People (Not for Publication)
v.
Coss

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B107540 People (Not for Publication)
v.
Njoroge

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B115153 People (Not for Publication)
v.
Eric Norberto A.

The order sustaining the petition is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

February 18, 1998-Continued

DIVISION SEVEN (Continued)

B105262 People (Not for Publication)
v.
Reed

The judgment is modified by (1) striking two of the three Penal Code section 667.5, subdivision (b) enhancements, and (2) adding appellant's March 21, 1996 misdemeanor assault conviction, with punishment stayed pursuant to Penal Code section 654. As modified, the judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B109277 Funderburk
v.
Wolfe

Filed order denying petition for rehearing.